

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 13 2003

OFFICE OF
MANAGING DIRECTOR

Ms. Kelly Hebbard
FastTrack Communications, Inc.
208 Parker Place Suite A
Durango, Colorado 81303

Re: Request for Waiver and Refund of
FY 2002 Regulatory Fees
Fee Control No. 0209278835821008

Dear Ms. Hebbard:

This is in response to FastTrack Communications, Inc.'s (FastTrack) request for waiver and refund of its Fiscal Year 2002 (FY 2002) regulatory fee payments of \$860.00 associated with its LMDS licenses. You state that on October 1, 2001, the licenses at issue were assets of REANET Corporation (REANET), which you state filed for Chapter 11 bankruptcy protection on April 2, 2001. You argue that because the assets of REANET, including the LMDS licenses, were not transferred to FastTrack until March 4, 2002, that the FY 2002 regulatory fees for the licenses should be waived.

The regulatory fee to be assessed is based upon the nature of the authorization held as of October 1, 2001. See Federal Communications Commission Public Notice, "FY 2002 Media Services Regulatory Fees" at 1 (August 7, 2002). In instances where a service license or authorization is transferred or assigned after October 1, 2001, however, the fee must be paid by the party that is the licensee on the date that the fee payment is due. Id. Accordingly, any waiver and refund of FastTrack's FY 2002 regulatory fee payments for its LMDS licenses must be based on FastTrack's status, rather than REANET's, insofar as you claim financial hardship.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship on a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[] Information such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Red at 12761-12762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, and payments to principals reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

FastTrack's request did not provide this information. In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver and refund of FastTrack's regulatory fees in the amount of \$860.00 is dismissed. You may, however, refile FastTrack's request for waiver and refund with appropriate supporting documentation.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a horizontal line.

Mark A. Reger
Chief Financial Officer

0209278835821008

FastTrack Communications, Inc.

FACSIMILE TRANSMITTAL SHEET

Date: 1/6/03
To: Mr. Tom Putnam
Company: FCC Revenue and Receivables Department
Fax Number: 202.418.2843
From: Kelly Hebbard
Pages (Includes Cover): 3

Attached please find the letter I prepared to the Office of the Managing Director for a waiver of regulatory fees for two LMDS licenses that we acquired through another companies bankruptcy. I have also attached form 159 showing the payment of \$860.00 for said fees.

My e-mail address is khebbard@fasttrack-communications.com. Feel free to correspond through e-mail or at my address listed below.

Thank you for your consideration in this matter and don't hesitate to contact me if you need further clarification.

Kelly

A hard copy of this document will be delivered: _____yes _____X_____no

Via; _____First Class Mail _____Overnight Courier _____Kangaroo Express

PO Box 5012, Durango, Colorado 81301
(970) 247.3366 (970) 247.2426 Fax



FastTrack Communications, Inc.

September 25, 2002

Office of the Managing Director
FCC
Attn: Regulatory Fee Waiver/Reduction Request
445 12th Street SW
Room 1-A625
Washington, DC 20554

FastTrack Communications, Inc. - FRN 0007719719

To Whom It May Concern:

FastTrack Communications requests a waiver for the regulatory fees for FY2002 for Channel A and Channel B LMDS licenses (payment code 0214). We request this waiver because we have assumed the LMDS licenses through REANET Corporation's (FRN 0001621796) bankruptcy and plan of reorganization. **FastTrack** requests the honoring of the waiver of fees for FY2002 due to the fact that REANET Corporation was still in existence, although in bankruptcy, at the beginning of FY2002 (10/1/01) and the assets that include the LMDS licenses weren't conveyed to **FastTrack** until March 4, 2002.

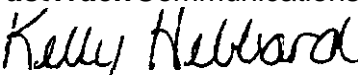
Please see the circumstances outlined as follows:

This outlines the bankruptcy proceedings for REANET Corporation and the creation of **FastTrack** Communications, Inc. REANET filed for Chapter 11 bankruptcy protection on April 2, 2001. On February 20, 2002 the Bankruptcy Court confirmed the reorganization plan for REANET. Out of this came the new company, **FastTrack** Communications. The owners of **FastTrack** are the same that owned REANET. As of March 4, 2002 REANET was no longer a working Corporation. REANET's assets were conveyed to **FastTrack** through the plan of reorganization.

In good faith, **FastTrack** has made the payment to Mellon Bank in the amount of \$860.00 for regulatory fees for FY2002. We understand if you accept our waiver those monies will be refunded to us.

Please contact me with any questions or concerns you may have.

Sincerely,
FastTrack Communications, Inc.


Kelly Hebbard

KAH/hs

208 Parker Place Suite A, Durango, Colorado 81303
970.247.3366 - Phone / 970.247.2426 - Fax

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page No 1 of

(1) LOCKBOX # 358835

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)

Oavin Montova FastTrack Communications. Inc.

\$860.00

(4) STREET ADDRESS LINE NO. 1

208 Parker Place. Suite A

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Ouranao

(7) STATE (8) ZIP CODE

CO

81303

(9) DAYTIME TELEPHONE NUMBER (include area code)

970.247.3366

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0007719719

(12) PAYER (TIN)

841610295

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B

IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

(14) STREET ADDRESS LINE NO. 1

(15) STREET ADDRESS LINE NO. 2

(16) CITY

(17) STATE (18) ZIP CODE

(19) DAYTIME TELEPHONE NUMBER (include area code)

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

(22) APPLICANT (TIN)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

WPLM249

(24A) PAYMENT TYPE CODE

0214

(25A) QUANTITY

1

(26A) FEE DUE FOR (PTC)

\$430.00

(27A) TOTAL FEE

\$430.00

FCC USE ONLY

(23B) CALL SIGN/OTHER ID

WPLM250

(24B) PAYMENT TYPE CODE

0214

(25B) QUANTITY

1

(26B) FEE DUE FOR (PTC)

\$430.00

(27B) TOTAL FEE

\$860.00

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, **DAVIN MONTOVA**,
the best of my knowledge, information and belief.

certify under penalty of perjury that the foregoing and supporting information is true and correct to
SIGNATURE *Davin Montova* DATE 9/25/02

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)



MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER

4246 3119 1851 0683

EXPIRATION

DATE: **8/03**



VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE *Davin Montova*

DATE 9/25/02

Payment Transactions Detail Report

Date: 01/07/2003

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0209278835821008	MONTOYA, DAVIN 208 PARKER PLACE SUITE A DURANGO CO 81303	WP00054421	0841610296	19/25/2002 00:00:00							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Call/sign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
9860.00	\$860.00	1	0214	1	WPLM249	MONTOYA, DAVIN	81303		\$430.00	2	PMT
\$860.00	\$860.00	2	0214	1	WPLMZSO	MONTOYA, DAVIN	81303		\$430.00	2	PMT
Total	2								\$860.00		